

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Nautilus Insurance Company,

Plaintiff,

v.

Richard Alexander Murdaugh, Sr.; Cory  
Fleming, Moss & Kuhn, P.A.; Chad  
Westendorf; *and* Palmetto State Bank,

Defendants.

C/A No.: 2:22-cv-1307-RMG

**MOTION FOR ENTRY OF DEFAULT  
AS TO DEFENDANT MURDAUGH**

Defendant Richard Alexander Murdaugh, Sr., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, hereby moves the Court to direct the Clerk of Court to enter a default as to himself.

Mr. Murdaugh originally acted to defend this action because it represented the largest claim against Mr. Murdaugh's assets, then held in receivership. He admitted the gravamen of Plaintiff's claims—he invented a story about his dogs causing the death of Gloria Satterfield to create his own liability to the Satterfield beneficiaries and cajoled his insurer Nautilus into settling that liability for a large payment, which he intended to, and did, steal by using his personal relationship with the Satterfield family to manipulate them into working with other persons he manipulated into issuing the settlement proceeds directly to him as a check payable to his fraudulent "d/b/a Forge" account. Mr. Murdaugh nevertheless did assert or intend to assert two defenses to Nautilus's claims. First, Nautilus's claims are barred by the statute of limitations or laches because it believed the Satterfield claims were fraudulent but despite that belief paid to settle them as a strategic decision not to risk litigation in Hampton County. That calculus changed when Mr. Murdaugh's crimes were revealed, but Nautilus failed to assert claims against Mr. Murdaugh

within three years of its loss. Second, Mr. Murdaugh argued that if Nautilus is not otherwise barred from recovery, it should seek recovery from a portion of the Satterfield beneficiaries' third-party recoveries, now known to exceed \$9.36 million, under principles set forth in the Restatement (Third) of Restitution and Unjust Enrichment §§ 6, 47, & 48 regarding claims to payments mistakenly made to the incorrect party, thereby leaving the receivership funds for the benefit of Mr. Murdaugh's many other victims.

However, Nautilus elected to allow the receivership's deadline for filing claims against Mr. Murdaugh's assets lapse without filing its own claim. As a result, Mr. Murdaugh has no interest to defend in this action. He will never have any assets available to satisfy any judgment in this matter. He currently has no assets and there is a restitution order against with priority over any possible judgment in this case. He has no ability to earn money in the future. Even if the murder convictions against him are overturned, he must serve a 40-year federal sentence concurrently with a state prison sentence for financial crimes.

Mr. Murdaugh has admitted his conduct, and he has no assets to protect from the consequences of his conduct. For him to continue to defend this action would be a waste of the Court's time. Because no useful purpose is served by his continued participation in this matter as a litigant, Mr. Murdaugh elects to default. *See* Rule 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to . . . defend . . . the clerk must enter the party's default."). His attorneys remain available for purposes of communications by the Court or the parties with Mr. Murdaugh, and they do not request to withdraw, but they ask to be excused from any further participation in this matter beyond acting as attorneys for Mr. Murdaugh as a witness.

Respectfully submitted,

s/Phillip D. Barber

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April 3, 2024

Columbia, South Carolina.